

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO: 1:16CR00124
	:	
Plaintiff,	:	JUDGE JAMES S. GWIN
	:	
-VS-	:	
	:	
SIROUS ASGARI,	:	<u>MOTION TO MODIFY THE</u>
	:	<u>CONDITIONS OF BOND</u>
Defendant.	:	(Hearing Requested)

Dr. Sirous Asgari, through undersigned counsel, respectfully moves this Court to transfer his pretrial supervision to the Southern District of New York so that he may live with his son pending a resolution of the government's interlocutory appeal.

Dr. Asgari is currently on GPS monitoring with the additional conditions that he "remain within the limits of Cuyahoga County" and "remain in his home from 9:00 p.m. to 7:00 a.m. daily." (Dkt. 47). He has been compliant with the conditions of his bond since they were imposed in October 2017. His case is currently stayed pending an interlocutory appeal by the government, a resolution of which could take close to a year.

While his case is pending appeal, Dr. Asgari requests permission to transfer his pretrial supervision to the Southern District of New York so that he may live with his son in Brooklyn. Dr. Asgari has no family here in Cleveland. His children rented him an apartment last fall so that he could be released on bond. This apartment is costing his children over \$2,200 a month in rent alone. (Exh. A). The rent is particularly expensive because Dr. Asgari needed a short-term lease of a furnished apartment. Additionally, his lack of transportation restricted him to downtown Cleveland so he could have easy access to his attorneys and the courthouse. Including food and

other living expenses, Dr. Asgari's children have spent over \$30,000 to date and the bills continue to mount. This has caused serious financial hardships on his children. Dr. Asgari, having been paroled into the country for prosecution, is unable to work. He is completely dependent on his children for his living expenses.

To alleviate the financial burden on his children, Dr. Asgari is requesting permission to reside with his son in New York while the government's interlocutory appeal is pending. There is no need for Dr. Asgari to be in Cleveland during the appellate process. Dr. Asgari is not a flight risk and he has demonstrated his desire to stand and fight these charges. He has been fully compliant with the terms and conditions of his bond. He is in constant communication with his attorneys and has timely appeared for every court date. Additionally, the continued electronic monitoring of Dr. Asgari is not necessary. He respectfully requests that his supervision by the Pretrial Services Office in the Southern District of New York not include GPS monitoring or the associated curfew. Undersigned counsel has spoken to Ignace Sanon-Jules from the Pretrial Services Office in the Southern District of New York and confirmed that, with proper coordination between the Pretrial Services Office in the Southern District of New York and the Pretrial Services Office in the Northern District of Ohio, they are willing and able to supervise Dr. Asgari. Undersigned counsel has also spoken with Kristine Lorentz from the Pretrial Services Office of the Northern District of Ohio. She has no objection to the proposed transfer.

Furthermore, for Dr. Asgari to fly to live with his son, he needs a photo I.D. The government has seized his passport and his international driver's permit will expire in a month. Additionally, Dr. Asgari needs a photo I.D. for common transactions. He has been informed that his international driver's permit is inadequate to conduct transactions such as banking and health care. He requests this Court order Pretrial Services to assist him in obtaining a TSA compliant state photo

identification. Alternatively, Dr. Asgari requests the government return his passport and put him on an international do not fly list. This will allow him to travel on domestic flights and mitigate any risk of him travelling outside of the country.

As an additional condition of his bond, Dr. Asgari is prohibited from having any contact with any person who may be a witness. The parties agree that Dr. Asgari may now have contact with Dr. Pirouz, a long-time friend, on the condition that they do not discuss the case.

Dr. Asgari's children cannot financially afford to support Dr. Asgari's independent living for the duration of his appeal. For all of the foregoing reasons, Dr. Asgari respectfully requests this Court grant his motion and transfer his pretrial supervision to the Southern District of New York.

Respectfully submitted,

s/ STEPHEN C. NEWMAN

Federal Public Defender

Ohio Bar: 0051928

s/ EDWARD G. BRYAN

Assistant Federal Public Defender

Ohio Bar: 0055556

s/ CATHI ADINARO

Attorney at Law

Ohio Bar: 0088731

1660 West Second Street, #750

Cleveland, OH 44113

(216)522-4856 Fax:(216)522-4321

E-mail: stephen_newman@fd.org

E-mail: edward_bryan@fd.org

E-mail: cathi_adinaro@fd.org

Counsel for Sirous Asgari

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2018, a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by email. Parties may access this filing through the Court's system.

s/ CATHI ADINARO

Attorney at Law

Ohio Bar: 0088731